

ORDINANCE NO. 2016 - ____

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING THE PLANNING AND ZONING REGULATIONS FOR THE CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS, BY AMENDING, ADDING TO, REPLACING, AND/OR RENUMBERING THE SAME, TO THE EXTENT NECESSARY FOR THE PURPOSES OF THIS AMENDMENT, SPECIFICALLY TO AMEND ARTICLE 1 – PREAMBLE, ARTICLE 3 – DEFINITIONS OF TERMS AND USES, ARTICLE 5 – ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES, ARTICLE 6 – DISTRICT REGULATIONS, AND APPENDIX B – SCHEDULE OF USES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERE WITHIN; AND DECLARING AN EMERGENCY.

WHEREAS, Arkansas Code Annotated § Title 14 Chapter 56 Section 403 et seq., as amended, enables the City of Cave Springs, Benton County, Arkansas, to enact and enforce Planning and Zoning regulations; and

WHEREAS, pursuant to Arkansas Code Annotated § Title 14 Chapter 56 Section 411 (3) and 412 et seq., as amended, the Cave Springs Planning Commission (CSPC) is authorized to prepare, adopt, amend and administer as needed, in whole or in part, the Planning and Zoning Regulations for the City of Cave Springs, Benton County, Arkansas; and

WHEREAS, at a regular public hearing meeting on August 2nd 2016, following publication of notice of said hearing pursuant to Arkansas law, and heard by all persons desiring to be heard, the Cave Springs Planning Commission unanimously voted to recommend APPROVAL to the City Council of Cave Springs of the proposed amendment to the Planning and Zoning Regulations for the City of Cave Springs, Benton County, Arkansas; and

WHEREAS, this Ordinance no. 2016 - ____ amends the established Planning and Zoning Regulations of the City of Cave Springs, Benton County, Arkansas, specifically Article 1 – Preamble, Article 3 – Definitions of Terms and Uses, Article 4 - Specific District Regulations, Article 5 – Establishment of Zoning Districts and Boundaries, Article 6 – District Regulations, Article 10 – General Standards and Appendix B – Schedule Of Uses; and

WHEREAS, having fully reviewed the proposed amendment, unanimously recommended by the Cave Springs Planning Commission (CSPC), the Cave Springs City Council, after thorough consideration, desires to APPROVE and adopt said amendment to the Planning and Zoning Regulations; and

WHEREAS, Arkansas Code Annotated § Title 14 Chapter 55 Section 206 and Section 207 provides that these regulations may, by ordinance, be adopted by reference thereto without setting forth the provisions of thereof, if three (3) copies of the same, and any related documents, are filed in the City Recorder's office for inspection and viewing by the public, and notice thereof by publication in a paper of general circulation within the City is provided to the public, all prior to the passage of said ordinance; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that the City Council of Cave Springs does hereby amend in its entirety the Planning and Zoning Regulations for the City of Cave Springs, Benton County, Arkansas as follows:

CITY OF CAVE SPRINGS, ARKANSAS
PLANNING AND ZONING ORDINANCE REGULATIONS

ARTICLE 1
PREAMBLE

SECTION 1.1
TITLE

This chapter shall constitute the Planning and Zoning Regulations of the City of Cave Springs. It may be cited as by the title "Planning and Zoning Ordinance Regulations" or "the Zoning Code," and consists of the text, which follows, as well as the zoning district boundary map, titled "Official Zoning Map of the City of Cave Springs, Arkansas," which is to be kept on file at City Hall.

SECTION 1.4
JURISDICTION

The provisions of these regulations shall apply to all land, water, buildings and structures within the corporate limits of City of Cave Springs, Arkansas as they now, or may hereafter exist.

ARTICLE 3

{ The previously adopted ~~ARTICLE 3—DEFINITIONS OF TERMS AND USES~~ shall be completely deleted and replaced with the following amended: }

ARTICLE 3
DEFINITIONS

SECTION 3.1
INTERPRETATION OF TERMS AND WORDS

3.1.1 For the purpose of enforcing and administering these regulations, the following terms and words are to be used and interpreted as defined hereinafter.

ABANDON: To vacate a structure or discontinue a use for more than one hundred eighty (180) consecutive days.

ABUTTING: In the context of notice and a screening or enclosure requirement, abutting means contiguous or separated by only a non-arterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

ACCESS: The way or means by which a piece of property is approached or entered.

ACCESSORY BANKING (see also BANK): A banking service(s) office, which may or may not include automated teller machines, that does not include drive through services of any kind.

ACCESSORY BUILDING: A subordinate building or a portion of the main building, the use of which is incidental to that of the dominate use of the building or premises.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ACCESS-WAY: A driveway which traverses the perimeter of a vehicular use area, connecting said area with and providing access to an abutting street, alley or other vehicular use area.

ACRE: A parcel of land or water which has a horizontal plane area of forty-three thousand five hundred sixty (43,560) square feet.

ACREAGE, GROSS: The total acreage of a proposed development including areas designated for internal streets and other public facilities and infrastructure.

ACREAGE, NET: The horizontal plane area of a lot or parcel of land, exclusive of public road rights-of-way, public use area dedications, water areas, and any easement constituting a substantial impairment of the fee.

ADDITION: Any construction which increases the size of the building such as a porch, attached garage or carport, or a new room or wing.

ADULT DAY CARE: An institution maintained and conducted, certified by the State, under public or private auspices which cares for more than four (4) adults who require such care because of age, affliction or limited capacity and who are apart from their own family or relatives during a part of the day.

AGRICULTURE: The use of land for farming, dairying, pasturage, apiculture (bees), aquaculture (fish, mussels), horticulture, floriculture, viticulture (grapes), or animal and poultry husbandry; this includes the necessary accessory uses for packing, treating, or storing the produce from these activities.

AGRICULTURE-RELATED BUSINESS: An establishment engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production, including the bulk storage of hay, feed, seed, fertilizers and related agrichemicals.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

ALTERATION: Any change, rearrangement, enlargement, extension, reduction of any structure or part thereof on the same site.

ANIMAL, DOMESTIC OR HOUSEHOLD: Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, fish, rabbits, hamsters, mice, and reptiles.

ANIMAL, FARM or LIVESTOCK: Any animal that customarily is raised in an agricultural, rather than urban, environment, for profit on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to chickens, pigs, sheep,

goats, horses, cattle, llamas, emus, ostriches, donkeys and mules. This definition does not include "hobby chicken" which is separately defined.

ANIMAL, EXOTIC: Any species of animal not considered domestic or livestock, Exotic Animals that are not usually found running at large within the natural areas of the State of Arkansas; that do not meet the definition of household/domestic animals or farm animals; that are not usually considered as a food supply or animal of burden in the United States, and which close relative or parentage are usually imported from another country. As regulated by herein but not limited to, exotic animals include:

Primates: Any non-human primate.

Carnivore: Non-domestic flesh-eating mammals.

Venomous Reptiles: Venomous snakes and lizards.

Non-Venomous Reptiles: Those reaching eight (8) feet or more in length and/or weighing fifty (50) pounds or more at maturity.

ANIMAL, GAME: Animals which are normally wild by nature, provide citizens with a portion of food for consumption and are usually hunted under a permit issued by the State of Arkansas.

ANIMAL, WILD BY NATURE: Animals which normally fall within the category of scavenger or predator; may instill fear and apprehension in persons of normal sensitivity, when encountered; require extraordinary precautions to prevent escape, and will not usually voluntarily return to the domicile after escape.

ANIMAL HOSPITAL: Any facility maintained by or for the use of a licensed veterinarian in the medical and surgical care of animals wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

ANIMAL SHELTER or KENNEL: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time, where more than five (5) or more animals, more than four (4) months of age are kept.

ANTENNA: A transmitting and/or receiving device used in telecommunications that radiates or captures a signal.

ANTENNA SUPPORT STRUCTURE: A telecommunications facility that consists of a stand-alone support structure which has as its principal or accessory use the support of antenna(s) and associated equipment and improvements, to include, but not necessarily be limited to communications towers.

APARTMENT: See Dwelling, Multifamily

APIARY: Assembly of one or more colonies of bees at a single location.

APICULTURE: Beekeeping, which includes one or more hives or boxes occupied by bees (hives or boxes include colonies), but does not include honey houses, extraction house, warehouses, or appliances.

APPLICANT: Any person, firm, or corporation applying for any permits or other approvals required by the Planning and Zoning Regulations.

APPLIANCE, MAJOR: An establishment engaged in the retail sale of non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.

APPLIANCE, SMALL: An establishment engaged in the retail sale of portable device or instrument used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.

AREA, LOT: The amount of land surface in a lot or parcel of land.

ART GALLERY: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries

ARTISAN SHOP: A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items being sold.

AS-BUILT DRAWING: An official, signed and sealed document showing how a particular structure, site, and/or utilities have been constructed.

AUCTION HOUSE: A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes there from an auction, the principal purpose of which is the sale of livestock or motor vehicles.

AUTHORIZED AGENT: A person or persons authorized by the landowner to act in his or her behalf.

AUTOMOBILE: A self-propelled mechanical vehicle designed to use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motor cycles.

AUTOMATED TELLER MACHINE (ATM): A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

AUTOMOBILE REPAIR SHOP: A commercial establishment wherein the major repair of vehicles and vehicle related accessories is conducted.

AUTOMOBILE AND VEHICLE SALES AND RENTAL: A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. (Bicycle sales are included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

BAIT AND TACKLE SHOP: A retail establishment whose primary merchandise consists of equipment and supplies used for fishing, including bait, fishing rods, hooks, lines, sinkers, floats, nets, etc.

BAKE SHOP: A commercial establishment of not more than four thousand (4,000) square feet in gross floor area which bakes, serves and sells at the same single location only at retail to the general public, products of a bread or pastry nature.

BAKERY: An establishment of a retail, wholesale or manufacturing nature, which sells to the general public, distributes to other retail establishments for resale or bakes products of a bread or pastry nature.

BALCONY: A floor area extension beyond the facade of a building which is open to the elements on at least one side.

BANK: see FINANCIAL INSTITUTION

BAR, LOUNGE or TAVERN: A commercial establishment devoted primarily to the sale and consumption of beer, wine or other liquors, and where food service is secondary to the sale of beer, wine or other liquors. Includes microbreweries where patrons are served beer produced on the premises for on-site consumption.

BASE FLOOD ELEVATION (BFE): The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

BASEMENT: Any enclosed area that is below grade on all four (4) walls.

BEST MANAGEMENT PRACTICES (BMP): Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of water. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional, and technical factors shall be considered in developing BMPs.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BIORETENTION BASIN: A landscaped depression or shallow basin used to slow and treat on-site stormwater runoff. Stormwater is directed to the basin and then percolates through the system where it is treated by a number of physical, chemical and biological processes. The slowed, cleaned water is allowed to infiltrate native soils or directed to nearby stormwater drains or receiving watercourses.

BOARDING HOUSE: A lodging other than a hotel or motel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more guests, but not exceeding twenty (20) guests on a weekly or monthly basis.

BOARD OF ZONING ADJUSTMENT (BZA): The Board of Zoning Adjustment of Cave Springs, Arkansas.

BUILDING: Any structure intended for shelter, housing or enclosure for persons, animals or chattels. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

BUILDING, ACCESSORY: A detached building or structure the use of which is subordinate to and customarily found in connection with that of the main building or structure on the same lot, including a private garage, workshop or shed. If the building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered a part of the main building

BUILDING, AREA: That part of a parcel of land designed to be occupied by the principal building and such accessory buildings or uses customarily incidental to it.

BUILDING, FAÇADE: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

BUILDING, HEIGHT: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor elevation to the highest point of the building, except in the Special Flood Hazard Area (SFHA) where the building height shall be measured from the Base Flood Elevation (BFE) with any additional freeboard required. This definition shall apply to all zoning districts regardless of language to the contrary

BUILDING, LINE: A line usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of these regulations. It is equivalent to the setback or yard line.

BUILDING, NONCONFORMING: A building or structure lawfully existing at the original adoption of the Planning and Zoning Regulations, which does not conform to the site development standards of floor area, height, lot coverage, setbacks, or other like requirements of the Planning and Zoning Regulations.

BUILDING, PRINCIPAL: A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which same is located.

BULK STORAGE OF HIGHLY FLAMMABLE MATERIALS: A facility for the storage of chemicals, gases or liquids which are subject or could be caused to ignite or explode.

CABANA (see also ACCESSORY BUILDING) Accessory building or a portion of the main building used as a bathhouse or a dressing area in connection with a swimming pool or a tennis court.

CALIPER, TREE: The diameter at breast height (DBH) of the trunk of a tree four and one-half (4.5) feet above the ground.

CAMP, DAY or YOUTH: The use of a site for provision of indoor or outdoor activities for children, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service.

CAMPGROUND, PRIMITIVE: A campground accessible only by walk-in, pack-in, or equestrian campers where no facilities are provided for the comfort or convenience of the campers

CAMPING TRAILER: A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

CANOPY: A temporary, detachable canvas or other cloth protection against sun or weather, on a rigid metal frame supported entirely or in part by wooden or metal posts attached to the ground or deck, floor or parapet of the building

CARGO (METAL SHIPPING) CONTAINERS: A large reusable receptacle in which material is held and carried in a single shipment by air, ground or sea transportation, with or without wheels.

CARPORT: A canopy or roof-like structure that is attached to or abuts a principal structure and is opened on three sides for the purposes of providing shelter for one or more vehicles.

CAR WASH: A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

CATERING SERVICE: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

CEMETERY: Land used or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.

CERTIFICATE OF OCCUPANCY: Official certification that a premise conforms to provisions of the Planning and Zoning Regulations and the Building Code and may be used or occupied. Such a certificate may be granted for new construction or for alteration or additions to existing structures.

CODE OF FEDERAL REGULATIONS (CFR): The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation. The Federal regulations pertaining to the National Flood Insurance Program (NFIP) are found in title 44, Emergency Management and Assistance.

CHURCH: see PLACE OF WORSHIP

CHICKEN, HOBBY: Fowl that are being raised on non-agricultural lots as a hobby instead of as a farming operation. Hobby chickens are used for the production of eggs, garden fertilizer, meat production or as pets for non-commercial purposes.

CHILD CARE, COMMERCIAL: Any child care facility is considered commercial in nature when the facility cares for eight (8) or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided, however, this definition shall not include public or private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial persons. These uses include but are not limited to: commercial day care center, nursery school, pre-school, kindergarten.

CHILD CARE, RESIDENTIAL (4): A single family dwelling that regularly provides care, protection, and supervision of no more than four (4) children, including children under the age of ten that permanently reside in the home, in the permanent residence of the operator's home, for periods of less than twenty-four (24) hours per day, while parents or guardians are away.

CHILD CARE, RESIDENTIAL (5-10): A single family dwelling that regularly provides care, protection, and supervision of between five (5) and ten (10) children, including children under the age of ten that permanently reside in the home, in the permanent residence of the operator's home, for periods of less than twenty-four (24) hours per day, while parents or guardians are away.

CITY: The City of Cave Springs, Arkansas

CITY COUNCIL: The City Council of the City of Cave Springs.

CLUB: An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit; includes lodge.

CONCRETE DEADMAN ANCHORS: heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

CO-LOCATION: Locating wireless communications equipment for more than one provider at a single communications facility.

COLD STORAGE PLANT: An establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY, INDOOR: Establishments providing indoor recreational activities for a fee or admission charge, including: bowling alley, coin-operated amusement arcade, night club, electronic game arcade (video games, pinball,) ice skating and roller skating, pool and billiard room as primary use, movie theater, live theater. This use does not include adult oriented businesses, which are separately defined. Eight (8) or more electronic games or coin operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; seven or fewer machines are not considered a land use separate from the primary use of the site.

COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY, OUTDOOR: A facility for various outdoor recreational activities for a fee or admission charge. Examples include: amusement and theme parks, go-cart track, golf driving range, miniature golf course, water slide drive-in movie theater, live outdoor theater. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses, which are separately defined

COMMON LOT LINE: A line dividing one lot or parcel from another.

COMMUNITY CENTER: A facility, generally open to the public, where people may carry on cultural, recreational or social activities. These facilities are not operated for compensation.

COMMUNITY GARDEN: A designated portion of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Such land may include available public land. A Community Garden does not operate for compensation or for commercial purposes.

COMPENSATION: As used in these regulations, is systematic approach to providing monetary value in exchange for any goods or services available, or other valuable effects (bartering), or any other form of consideration or benefit.

COMPENSATORY STORAGE: A requirement that must be met for all types of construction within the floodplain that temporarily or permanently displaces floodplain storage volume is the provision of compensatory storage. Compensatory storage is the replacement of storage within the floodplain due to filling or the construction of structures as part of a project, and must be provided to preserve the natural storage within the flood plain. Compensatory storage is required to ensure that development does not result in an increase in flood heights on adjacent properties or an increase in flood flows. Compensatory storage must equal at least 1.1 times the volume of flood storage lost below the BFE; be operational prior to the

placement of fill, structures, or other materials temporarily or permanently placed within the floodplain; be provided in the immediate vicinity of the flood storage lost, where practicable; drain freely and openly to the water way. The NFIP floodway standard in 44CFR 60.3 (d) restricts new development from obstructing the flow of water and increasing flood heights.

CONDITIONAL USE: A use, which when specifically listed as such within the zoning district regulations and schedule of uses, may be permitted with certain stipulated conditions that will serve to insure that said use will assimilate properly into its surrounding neighborhood without deleterious effects.

CONFERENCE/CONVENTION CENTER: One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

CONSTRUCTION AND HEAVY EQUIPMENT SALES AND RENTALS: Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

CONTRACTOR MAINTENANCE YARD: An open storage yard for supplies and operational equipment, but not constituting a junk or salvage yard.

CONSTRUCTION PLANS: The maps, plans and drawings prepared by a Professional Engineer licensed to practice in the State of Arkansas accompanying a preliminary and final subdivision plat and showing the specific location and design of improvements to be installed as a condition of approval of a plat in the subdivision in accordance with the requirements of the Planning and Zoning Official based on the Cave Springs Subdivision Regulations, Engineering and Design Criteria, and Specifications and Standards for Construction.

COMPREHENSIVE PLAN. The City of Cave Springs Comprehensive Future Land Use Plan.

CONSTRUCTION SALES AND SERVICE: A commercial establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

COPY SERVICES: A commercial establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

COUNTRY CLUB, PRIVATE MEMBERSHIP: An area of twenty (20) acres or more, containing a golf course and a clubhouse available only to the membership. Such a club may contain as adjacent facilities a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

COVENANT: A clause in a contract or deeds of dedication that requires an entity to do, or refrain from doing, certain things.

COVERAGE: The lot area covered by the buildings including all overhanging roofs except where otherwise specifically designated.

CRAFT SHOP: Any commercial establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

CRAWLSPACE: A type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four (4) walls are below grade.

CREMATORY: A structure fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CRITICAL FACILITIES: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, reservoirs, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins).

CROP PRODUCTION: Commercial agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

CUL-DE-SAC: A local private or public street with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

CURB CUT: Any access to a vehicular use area from any right-of-way of any street, road, or highway.

DANCE HALL: A place of public assembly, open to the public and operated for profit, where dances, parties, receptions, and other gatherings are held. Dance halls may provide live entertainment, may serve alcoholic beverages, and may serve catered meals provided the owner or operator holds the appropriate licenses and permits.

DAY CARE CENTER: See CHILD CARE

DAYLIGHTING: To remove a stream, creek or natural drainage way or other waterway from an underground pipe and restore the waterway to open air.

DEEDS OF DEDICATION: The instrument(s) of public record by which specified interests in land are described and conveyed to the public and by which the formalities prerequisite to

the recording of a subdivision plat or other similar instrument are set forth and which may, set forth private covenants or restrictions establishing requirements for easements, buildings, construction, use, or other such conditions of the subject land.

DETACHED STRUCTURE: A structure having no part or common wall with another structure except an accessory structure.

DENSITY, GROSS: The number of dwelling units permitted divided by the acreage of the entire site, including privately owned internal roads, and environmentally protected land but excluding water bodies and submerged lands.

DENSITY, NET: The number of dwelling units permitted divided by the number of acres within the lot, excluding water bodies, submerged lands and internal roads. Unless otherwise specifically provided herein, permitted density is always expressed as dwelling units per net acre.

DETENTION FACILITY: A facility for the collection or storage of stormwater for subsequent discharge at a rate that is less than the rate of inflow.

DEVELOPMENT: Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT ORDER: Any order granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT PERMIT: Any building permit, plat approval, rezoning, site plan, conditional use, variance or other official action having the effect of permitting the development of land.

DEVELOPMENT REVIEW: The process of reviewing applications for development to ascertain compliance with all land use controls, including permitted use and density, site plan review, landscaping and sign controls, to insure a high quality site design.

DISTRICT, ZONING: Any portion or section of the city within which uniform zoning regulations apply.

DRIPLINE: The periphery of the area underneath a tree that would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

DRIVE-THROUGH: A commercial establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces or motor vehicles to serve patrons while in the motor vehicle, rather than within the building or structure.

DRIVEWAY: A private roadway which provides a primary means of access to off-street parking and loading spaces.

DUPLEX: see DWELLING, TWO-FAMILY

DWELLING: A house, apartment, or other structure designed or primarily used for human habitation.

DWELLING, ACCESSORY: A habitable living unit added to or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, that is not internally connected to the principal dwelling.

DWELLING, CONDOMINIUM: A single dwelling unit in a multi-family structure that is separately owned and that may be combined with an undivided interest in the common areas and facilities of the property.

DWELLING, MANUFACTURED: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

DWELLING, MANUFACTURED - EMERGENCY HOUSING: A manufactured dwelling that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.

DWELLING, MODULAR: A dwelling unit constructed in accordance with the standards set forth in the City of Cave Springs Building Code and Planning and Zoning Regulations, that is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

DWELLING, MULTI-FAMILY: A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each. This use shall include apartment houses, and multiple family dwellings. This definition shall not include "dwelling, townhouse or row house" or "dwelling, condominium" which are separately defined.

DWELLING, RELIGIOUS: A multi-family dwelling where the residents are limited to members of a specific religious order, with separate or combined housekeeping and cooking facilities.

DWELLING, SINGLE-FAMILY: A detached single-family residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking and sanitation, and each dwelling is to be occupied exclusively by one (1) family.

DWELLING, TOWNHOUSE OR ROW HOUSE: One of a group of no less than three (3) nor more than twelve (12), attached dwelling units, each dwelling unit located on a separate lot.

DWELLING, TWO-FAMILY (DUPLEX): A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each. This definition shall include a duplex and shall not include "dwelling, accessory" which is separately defined.

DWELLING UNIT: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

EASEMENT: A right-of-way or parcel of land dedicated for a specific use, normally used for access, conservation, drainage, utilities, and other public or private usages given by the owner or land to another entity, the City or the public.

EAVE: The weather protective overhanging lower edge of a roof.

EDUCATIONAL FACILITIES: Structures and/or tracts of land used for the conduct of educational activities. Uses include but are not limited to, public or private: College, junior college, university, or professional school, Elementary, Secondary, Specialized education and training, Trade or craft.

ELECTRIC GENERATING PLANT: A facility that converts non-electrical energy into electricity for sale as a primary use. A variety of sources and/or products may be used to generate power, including but not limited to, petroleum, methane, ethanol, thermal, solar, and hydro-electric. This definition does not include "wind energy systems, large" which has its own definition.

ENGINEERING DESIGN CRITERIA: The criteria adopted by the Cave Springs City Council that establishes a minimum criteria for engineering design and construction of infrastructure and other improvements related to development.

ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, reservoirs, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings used or intended to be used for human habitation.

EQUESTRIAN FACILITIES: Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

EQUIPMENT RENTAL, INDOOR: An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including incidental maintenance and indoor storage.

EQUIPMENT RENTAL, OUTDOOR: An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment with outdoor storage / rental yards. This definition does not include "construction and heavy equipment sales and rental" which is separately defined.

EXCAVATION: Any breaking of ground, except common household gardening and ground care

FAA: The acronym for Federal Aviation Administration

FAÇADE: The entire building front, including the parapet

FAÇADE PLANE – The flat area of a façade which runs generally two dimensionally and terminates at a change in facet, angle, or direction.

FAIRGROUNDS: An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions and theaters. Such exhibitions, and shows do not include racetracks or motorized contests of speed.

FAMILY: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four (4) unrelated mentally or physically handicapped persons which may include two additional persons, acting as house parents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons in the group; or (c) a group not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, fraternity or sorority, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

FARM: A tract of land used for the growing or raising of agricultural products, including related structures thereon.

FARM, POULTRY: A tract of land devoted principally to the production of poultry for eggs or meat for commercial purposes.

FENCE (WALL): Any construction of wood, metal, wire mesh, masonry, or other material, erected for privacy, protection, ornamentation, enclosure or screening

FINANCIAL INSTITUTION: An establishment with the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and on-site automatic teller machines.

FLOODPLAIN: The land area adjoining a watercourse or drainage way which would be inundated by the floodwater of the 100-year frequency flood, based on full urbanization of the watershed and shown on the officially adopted regulatory or FEMA Flood Insurance Rate Map (FIRM).

FLOODPLAIN MANAGEMENT: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOODPLAIN REGULATIONS. Provisions of the City of Cave Springs Flood Damage Prevention Code.

FLOOR AREA, GROSS: The gross horizontal area of all floors, including but not limited to, enclosed porches, hallways, storage rooms, stairwells, breezeways, elevator shafts and utility rooms, measured from the exterior faces or columns of the exterior walls of a building or from the center line of a party wall separating two (2) adjacent uses or dwellings. Vehicular garages shall not be included in determining gross floor area.

FLOOR AREA, NET: The actual occupied area, not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

FLOOR AREA, RATIO: Determined by dividing the gross floor area of the building (or buildings) on a lot by the area of that lot.

FOOD STORE, CONVENIENCE: A food store which contains four thousand (4,000) square feet of gross floor area or less and usually maintains extended operating hours for the convenience of the public, supplying a limited range of food items, magazines, toiletries, and tobacco products to meet the day-to-day needs of residents in the immediate neighborhood and which may or may not include fuel sales.

FOOT-CANDLE: A measure of illumination, the amount of light falling onto a surface. One (1) foot candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot.

FRONTAGE: The boundary line of a lot bordering on a public road right-of-way, exclusive of alleys and, in the case of a corner lot, any secondary street frontage.

GARAGE APARTMENT also see DWELLING, ACCESSORY: A dwelling unit for one family erected above a private detached garage.

GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for automobiles, vans, pick-up trucks and the like, used solely by the occupants and their guests of the building to which it is accessory.

GARAGE, PUBLIC: A commercial structure for the temporary storage of vehicles, available to the public and operated for compensation.

GARDEN CENTER: A place of business where wholesale and retail products and produce are sold to the consumer. These centers, which may include a plant nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden variety tools and utensils.

GAS STATION: A facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

GAZEBO: A freestanding roofed accessory structure which is not enclosed, except for screening and which is utilized for the purpose of relaxation in conjunction with a residential dwelling.

GLARE: means the brightness of a light source that causes eye discomfort.

GLAZING: A transparent or translucent material that is integrated into a building envelope, such as a window, display window, door, glass curtain wall, etc.

GOLF COURSE: A tract of land laid out with at least nine (9) holes for playing golf and improved with tees, greens, fairways and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GOVERNMENT SERVICES: Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE: The slope of land, a street or other public right-of-way, specified in percent (%) of vertical to horizontal measurements.

GRADE, FINISHED: The finished elevation of a site after all fill, land balancing or site preparations have been completed. For the purposes of the Planning and Zoning Regulations, the finished grade shall be the elevation from which all structural heights are measured.

GRADING: Any stripping, cutting, filling, or stockpiling of earth or land.

GRAZING: The act of pasturing livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown, as the principal subsistence of the livestock so grazed, for commercial and non-commercial purposes.

GREEN ROOF: An extension of an above-grade building roof that includes at least a waterproof membrane, a root repellent system, a drainage system, a filtering layer, soil with a minimum depth of three (3) inches and native or naturalized plants. Also commonly referred to as a "vegetated roof."

GREENHOUSE: A structure used for the growing of plants, all or part of which are sold at wholesale or retail.

GROUND COVER: Plant materials which reach a maximum height of not more than twelve (12) inches and which are used in lieu of grass. Ground cover must present a finished appearance and reasonably complete coverage at time of planting.

GUYED TOWERS: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HABITABLE FLOOR: Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

HARDWARE STORE: A commercial establishment which sells at retail to the general public goods and supplies which are generally employed in maintaining or improving dwellings and yards, but not including heavy construction supplies, such as raw lumber and cement materials.

HAZARDOUS WASTE. Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused or reclaimed, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.

HOME OCCUPATION: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein, pursuant to Section 8.2.3

HOME IMPROVEMENT CENTER: A commercial establishment which sells at retail to the general public goods and supplies which are generally employed in maintaining or improving dwellings and yards, including heavy construction materials such as raw lumber and cement materials, within a totally enclosed structure only.

HOSPITAL: see MEDICAL SERVICES, HOSPITAL.

HUNDRED YEAR-FREQUENCY FLOOD: A flood having an average frequency of occurrence once in 100 years (although this flood may occur in any year) based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

IMPERVIOUS AREA: A surface area that does not allow, or allows only with great difficulty, the penetration of water under normal surface pressure, causing runoff.

INDUSTRIAL, HEAVY: A facility and surrounding yard designed primarily for the preparation, production and distribution of objectionable materials such as chemicals, explosives, etc. Further, the production of such materials may create noxious odors or gases objectionable to businesses and residences. This may include manufacturing products from raw materials. Such uses include but are not limited to the following:

- Aerosol containers, filling of;
- Animal and marine fat and oils, manufacturing or processing
- Animal bones, offal or waste; assembly, incinerator, processing or utilization
- Mineral preparation; non-metallic
- Ore reduction
- Paint, enamel, lacquer, turpentine, varnish, manufacturing
- Paper manufacturing or processing

- Arsenals
- Production of crude petroleum, natural gas natural gas liquids
- Chemicals compounding or packaging
- Recycling and reclamation
- Coal preparation
- Rendering of animals
- Creosoting or similar processing
- Rubber products; natural or synthetic manufacturing
- Explosives: manufacture, storage warehousing or wholesaling
- Tanning of hides and skins
- Fireworks: manufacture, storage.
- Tar or tar products manufacturing or processing
- Foundry
- Warehousing or wholesaling flammable gases or liquids; storage
- Batching or mixing plant, asphaltic or portland cement, concrete, mortar or plaster
- Railroad equipment storage or maintenance
- Railroad freight terminal
- Brick, tile, clay or ceramic manufacture
- Scrap or waste materials handling
- Compounding of cosmetics, toiletries, drugs, and pharmaceutical products
- Scrap steel cutting on contract basis
- Dry cleaning and dyeing plant
- Sign painting
- Electronic equipment assembly and manufacture
- Steel products; fabrication and assembly
- Freight depot, railroad or truck freight forwarding service
- Glass or glass products manufacturing

INDUSTRIAL, LIGHT: A facility and surrounding yard designed to provide an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations and for light manufacturing, assembling and fabrication without creating a nuisance of odor, noise, dust, vibrations, etc. Uses include but are not limited to the following:

- Air conditioning and heating equipment manufacture
- Orthopedic or medical supplies manufacturing
- Book bindery
- Bus or truck storage or garage
- Leather goods fabrication
- Bottling works, all beverages
- Mattresses; rebuilding or renovating
- Brooms and brushes manufacturing
- Outdoor advertising plant
- Electrical equipment assembly
- Processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration, etc.
- Furniture manufacturing

- Vending machine sales, rental, repair and manufacturing
- Ice plant, dry or natural
- Instrument and meter manufacturing
- Wood distribution
- Venetian blind, window shade and awning manufacture
- Industrial cleaning plant
- Wood or lumber processing
- Monument works

INOPERABLE VEHICLE: Any vehicle, automobile, motorcycle, or boat that does not have a current license and/or is in a state of disrepair so that it cannot operate as intended.

JUNK: Inoperative, dilapidated, abandoned or wrecked materials, including, but not limited to, automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, s scrap materials, scrap building materials, scrap contractors' bottles, glass, old iron, machinery and the like.

LABORATORY, RESEARCH: A building or part of a building devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing those results to produce a new or improved product, medicine, or to better determine how animals function. No manufacturing is conducted on premises except for experimental or testing purposes.

LANDSCAPE MATERIALS: Living plant materials, such as but not limited to trees, grass, ground cover, shrubs, vines or hedges; and certain nonliving durable materials commonly used in landscaping, such as rocks, pebbles, sand, walls and fences, but not including paving.

LAND USE: The development that has occurred on the land, the development that may be proposed on the land, or the use that is permitted or permissible on the land under the City's future land use plan or Planning and Zoning Regulations.

LAWN GRASS: All species normally grown as permanent lawns in Benton County. Grass may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.

LIBRARY: A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale or auctioning.

LOADING SPACE: A space which provides for the loading or unloading of service vehicles.

LODGING, BED AND BREAKFAST: An owner occupied dwelling unit that contains no more than five (5) guest rooms where short-term lodging, with or without meals is provided for compensation. Short-term lodging shall be defined as lodging for a period not to exceed twenty-one (21) days.

LODGING, HOTEL OR MOTEL: A structure containing six (6) or more guest rooms which are used, rented or hired for sleeping purposes and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, by transient guests. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities

LOT: A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved access. The lot shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. Said lot shall comply with all Subdivision Regulations of the City.

LOT, AREA: The horizontal plane area within the lot lines expressed in these regulations in square feet or acres, exclusive of public dedications but including privately-owned water areas

LOT, CORNER: A lot abutting two (2) or more streets at their intersection.

LOT, COVERAGE: The area of the lot covered by the ground floor of all principal and accessory buildings, plus all areas covered by the roofs of such buildings as for example, covered porches.

LOT, DEPTH: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

LOT, FRONTAGE also see FRONTAGE: The boundary line of a lot bordering on a public road right-of-way, exclusive of alleys and, in the case of a corner lot, any secondary street frontage.

LOT, INTERIOR: An interior lot is defined as a lot other than a corner lot, with only one (1) frontage on a street other than an alley.

LOT, NONCONFORMING: A lot, which was in existence at the original adoption of the Planning and Zoning Regulations, even though such lot fails to meet the requirements for area, width, depth or zoning, provided that minimum dimensions and setbacks of the lot shall conform to the regulations for nonconforming lots as hereinafter set forth.

LOT, WIDTH: The horizontal distance between the side lot lines measured along the front building setback line of the lot as determined by the prescribed front yard requirements of the zoning district.

LOT LINE: The legal boundary line of a lot.

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

LOT LINE, REAR. The lot boundary opposite and most distant from the front lot line. In the case of a pointed or an irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line as defined herein.

LOT LINE, ZERO: A common lot line on which a wall of a structure may be constructed.

LOT OF RECORD: A parcel of land that is a lot in a recorded plat within the records of the County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the adoption of the Subdivision Regulations.

MAINTENANCE SERVICES: A commercial establishment providing routine maintenance of buildings. This term includes but is not limited to a window washing, building cleaning, pest extermination, or disinfecting service

MECHANICAL EQUIPMENT: Equipment for the use of functioning mechanical or electrical systems including but not limited to: heat pumps, air conditioning units, pool pumps, solar collectors panels, and permanently installed generators

MEDICAL SERVICES, CLINIC AND URGENT CARE: A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with five (5) or more licensed practitioners and/or medical specialties, out-patient care facilities, urgent care facilities and other allied health services. These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Professional Services"

MEDICAL SERVICES, DOCTOR OFFICE: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Professional Services"

MEDICAL SERVICES, HOSPITAL: Hospitals and similar facilities engaged primarily in providing in-patient diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports, and on-site ambulance dispatch facilities.

MEDICAL SERVICES, LABORATORY: Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory, Research"

MEDICAL SERVICES, SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT CLINIC: A facility where the primary activity is the treatment and care of persons suffering from mental or emotional disorders or substance abuse.

MICROBREWERY-RESTAURANT: As defined by the Division of Alcoholic Beverage Control of the State of Arkansas, an establishment where beer, ale, malt liquors, etc. are brewed, typically in conjunction with a bar, tavern, or restaurant use. The total aggregate brewing limitation for all such facilities shall be in the amount of five thousand (5000) barrels per calendar year.

MINI-WAREHOUSE STORAGE: One (1) or more permanent structures, meeting applicable City building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public.

MINING: All or part of the processes involved in the extraction and processing of aggregates (sand and gravel), or other surface or subsurface mineral materials. Mining activity shall normally be divided into four distinct phases: (a) Exploration: on-site geologic examination from the surface of an area by core, rotary, percussion, geophysical (including seismic operation-percussion or explosives), or other drilling for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling. (b) Prospecting: examination of an area for the purpose of determining the quality and quantity of minerals other than by exploration, but including the obtaining of ore samples by physical means. (c) Operation: the preparation for production and the mineral extraction or processing for commercial purposes, including the transportation thereof. (d) Reclamation: the process by which an area physically or environmentally affected by mining is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

MIXED-USE DEVELOPMENT: A Development which combine both commercial/office and residential uses or structures on a single lot or as components of a single development.

MOBILE FOOD VEHICLE: A commercial establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.

MONOPOLE TOWER: A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole. Also called a self-support tower

MOVIE THEATER, DRIVE-IN: An open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

MUSEUM: A building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include the sale of goods and meeting facilities as accessory uses.

NURSING HOME: see RESIDENTIAL FACILITY, EXTENDED MEDICAL CARE

OCCUPIED: The word "occupied" includes arranged, designed, built, altered, converted to, rented, leased or intended to be occupied.

OFFICE: A building, room, or space wherein executive, clerical, administrative or professional services are performed.

OFFICE, SMALL SCALE: An office facility with a gross floor area of 4,000 square feet or less, characterized by low employee densities and occupied by a business engaged in information processing, providing professional services or engaged in the production of intellectual property. This definition does not include "medical services, doctor office" which is separately defined.

OFFICE, LARGE SCALE: An office facility with a gross floor area of more than 4,000 square feet, characterized by high employee densities and occupied by a business engaged in information processing, providing professional services or engaged in the production of intellectual property. This definition does not include MEDICAL SERVICES, DOCTOR OFFICE which is separately defined.

OFFICE, WAREHOUSE: A facility combining office and warehouse functions in a single structure, characterized by occasional truck deliveries and that does not create a nuisance such as dust, noise, or odors. Any warehouse activity with heavy trucking activities or nuisances shall be considered under the term WAREHOUSING OR WHOLESALING.

OFFICIAL ZONING MAP: The official zoning map of the City of Cave Springs which depicts the territorial application of zoning districts as established within the Planning and Zoning Regulations.

OPEN SPACE: Any portion of a parcel of land unencumbered by structures and all other impervious surfaces.

OPEN SPACE, COMMON: Any open space area which is owned and maintained by a cooperative, homeowners association, condominium association, or any other similar association, and available and accessible at all times to all members of such association.

PARCEL: For the purpose of these regulations, a parcel shall have frontage on a public street right-of-way, an officially approved private street or access easement. For zoning purposes, a parcel may consist of:

(a) A single lot of record.

(b) A combination of complete lots of record.

(c) A combination of complete lots of record and portions of lots of record.

(d) Portions of lots of record, provided that such lots or combinations of lots are sufficient size to meet the minimum requirements of the zoning district in which they are located.

(e) Land defined by metes and bounds description where such parcels are in conformity with these regulations.

PARKING FACILITY (as principal use): A parcel of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same lot.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

PARKING SPACE, OFF-STREET: A space for the parking of a motor driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space.

PARK: A recreational area open to the general public characterized by open space typically reserved for active or passive recreational activities.

PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.

PERGOLA: An open structure consisting of columns or poles with a top constructed of cross beams that are spaced at least six (6) inches apart and may only be covered by plant material.

PERMANENT FOUNDATION: A perimeter foundation which meets the minimum Building Code requirements as adopted by Cave Springs, or absent such Code, the Building Code adopted by the State of Arkansas for conventional site-built single-family homes shall apply.

PERMITTED USE: A specified purpose for which a parcel of land or a building may be used and maintained in accordance with the zoning use district regulations herein.

PERSONAL SERVICES: Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dry cleaning pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; tailors; tanning salons; day spas; tattoo studios

PERVIOUS AREA: A surface area that allows, without great difficulty, penetration by water.

PET SHOP: A commercial retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and non-poisonous reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

PLACE OF PUBLIC ASSEMBLY: A meeting place for more than thirty-five (35) persons to which the public or membership group are assembled regularly or occasionally including but not limited to schools, places of worship, theaters, auditoriums, funeral homes, stadiums, and similar places of public assembly.

PLACE OF WORSHIP: A facility or facilities used by persons to regularly assemble, attend, observe, participate in or hold religious services, meetings, rituals, and other related activities in reverence or veneration to a supernatural power, including but not limited to a church, chapel, mosque, synagogue, temple and similar facilities.

PLANNING AND ZONING OFFICIAL: The Administrative Official designated by the Cave Springs City Council to administer the Subdivision Regulations, Planning and Zoning Regulations and any other development related regulations in the City of Cave Springs, Arkansas.

PLANNING COMMISSION: The advisory body to the City Council with only those powers established within the Cave Springs Municipal Code, the Planning and Zoning Regulations, Subdivision Regulations and as may be granted to it by the City Council.

PLANT NURSERY: A facility for growing and selling plants, shrubs or trees and other articles or implements which are involved in the transportation, installation and maintenance of landscaped areas.

PLAT OF RECORD: A plat which conforms to all requirements of the applicable laws of the State of Arkansas, the Planning and Zoning Regulations and the Subdivision Regulations that has been filed and recorded in the applicable office of the Benton County clerk of the circuit court.

PORT-COCHERE: An attached roof-like structure extending from the entrance of a building over an adjacent driveway

POSTAL SERVICES: Facilities that provides packaging and mail services (both U.S. Postal and private service), provides mail boxes for lease, and conducts the retail sale of stationary products.

PROFESSIONAL SERVICES: Accountants, architects, auditors, appraisers, city planners, economists, engineers, graphic designers, lawyers, psychologists, licensed medical and dental practitioners and health related services.

PROPERTY LINE: See LOT LINE

PROPERTY OWNERS' ASSOCIATION (POA): A nonprofit organization recognized as such under the laws of the State of Arkansas and operated under recorded land agreements through which each owner of a portion of a subdivision, be it a lot, home, property or any other interest, is automatically subject to a charge for a prorated share of expenses, either direct or indirect charge, for maintaining common properties such as roads, parks, recreational areas, common areas or other similar properties. Within the text of the Planning and Zoning Regulations, a property owners' association is considered a single entity for property ownership

PUBLIC NOTICE: The legal advertisement given of an action or proposed action of a governing body or designee as set forth in these regulations or applicable statute of the State of Arkansas.

PUBLIC UTILITY: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation of water, etc.

PUBLIC SAFETY SERVICES: Facilities operated by public agencies for public safety and emergency services, including fire stations, police and sheriff stations, ambulatory service and including related administrative facilities and interim incarceration facilities. Does not include "governmental service facility" which is separately defined.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes that are not larger than 8.5' feet x 40' feet.

RECREATIONAL VEHICLE PARKS: A lot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECREATIONAL VEHICLE SITE: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis

RECREATIONAL VEHICLE AND BOAT SALES AND RENTAL: Retail establishments selling various vehicles and watercraft for recreational uses, including but not limited to the sale of boats, campers and camper shells, travel trailers, jet skis, and ATVs.

RECYCLING AND RECLAMATION: A facility for receiving, sorting, storing and reconditioning appliances, building materials, and any other salvaged or reclaimed materials

REFACING: The orientation of a structure on a corner lot towards a street other than that which abuts the front of the lot.

REPAIR SERVICES, EQUIPMENT AND LARGE APPLIANCES: A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "automobile repair", the repair of small home appliances and electronic equipment, which is included under "repair service -household", maintenance and repair activities that occur on the client's site, which are included under "maintenance service" or repair services provided on the site of a retail use that sells the products for which repair services are offered, where the repair services are incidental to the on-site sales.

REPAIR SERVICES, HOUSEHOLD: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding "automobile repair" and "repair services, equipment, large appliances, etc." which are separately defined. Typical uses include home electronics and small appliance repair; shoe repair; watch or jewelry repair; upholstery services, or repair of musical instruments.

RESEARCH SERVICES: Establishments primarily engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

RESIDENTIAL FACILITY, ASSISTED LIVING: Residential facilities consisting of individual dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring nonmedical assistance with day-to-day living matters. This definition does not include RESIDENTIAL FACILITY, REHABILITATION which is separately

defined. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

RESIDENTIAL FACILITY, EXTENDED MEDICAL CARE: Residential facilities providing nursing and medical care as a primary use with in-patient beds.

RESIDENTIAL FACILITY, REHABILITATION: Residential facilities, either single dwelling or multi-unit facilities, licensed and supervised by a Federal, State, or county health or welfare agency that provides 24-hour nonmedical care of more than 8 (eight) unrelated persons rehabilitating from alcohol or drug abuse

RESIDENTIAL FACILITY, TEMPORARY SHELTER: Residential facilities providing temporary shelter for a person physically or mentally abused by family or for displaced persons and/or families. Such place may or may not provide on-site meals but furnishes a safe haven for people.

RESTAURANT: A commercial establishment where food and beverages are primarily ordered from individual menus, served at tables, and consumed on premises.

RESTAURANT, FAST FOOD: A commercial establishment where food and beverages are primarily ordered from a wall menu, served at a take-out counter in disposable paper or plastic containers, and consumed both off and on premises.

RETAIL: The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

RETAIL, LARGE SCALE: A retail store with a gross floor area of more than 4,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories and similar consumer goods. The term "food store" includes a grocery, delicatessen, convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

RETAIL, SMALL SCALE: A retail store with a gross floor area of 4,000 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

RIGHT-OF-WAY: A strip of land reserved for public use, occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, electrical, communication, oil or gas service, water,

sanitary or storm sewer utility, conservation area, landscaping, or any other special use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

RIPARIAN CORRIDOR: Narrow strip of land, centered on a stream, that includes the floodplain as well as related riparian habitats adjacent to the floodplain. These areas have high water tables and support plants requiring saturated soils during all or part of the year.

SALVAGE YARD: Any parcel of land or building for the which the principal or accessory use is the storing, keeping, dismantling, collection, salvaging, buying or selling of the following:

(1) scraps or discarded pieces of metal, paper, rags, tires, bottles, furniture and other materials

(2) inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances. A junk or salvage yard shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a junk or salvage yard include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than thirty (30) days. Any premises on which there remains outside more than thirty (30) days an inoperable, partially dismantled, wrecked, or junked automobile, shall be deemed for the purpose of this ordinance, a junk or salvage yard.

SECTION 404 PERMIT: a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

SELF-SERVICE LAUNDRY OR DRY CLEANING ESTABLISHMENT: Any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

SERVICE STATION: A commercial establishment where products such as gasoline, oil, lubricants, tires, batteries and automobile accessories are sold to the motoring public. A service station may also provide for the replacement of minor vehicle parts, such as spark plugs, batteries, mufflers, water hoses, fan belts, windshield wipers, brake fluid, light bulbs, wheel bearings and fuel pumps and the conduct of minor servicing activities, such as washing, polishing, lubricating, front end alignment, wheel balancing, cooling system maintenance and minor engine tune ups.

SETBACK: See YARD SETBACK

SITE PLAN REVIEW: That portion of the development review process which deals with a qualitative and quantitative review and evaluation of the internal physical arrangements of and relationships between uses, structures, vehicular use areas and landscape elements.

SEWAGE TREATMENT PLANT: A facility designed for the treatment of sewage that is provided and maintained by the county, municipality, or a utility company which a governmental agency has specifically approved as acceptable.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater or adult theater as the same are defined herein.

SHOOTING RANGE: An area or structure specially designed for the safe discharge and use of archery, crossbows, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training

SIDEWALK CAFE: An outdoor dining area not enclosed by a fence or other visual barriers in excess of thirty-six (36) inches in height, placed on a public right-of-way and contains removable tables, chairs, planters or other appurtenances and is abutting/contiguous to a restaurant that performs food preparation, sanitation and related services for the sidewalk cafe.

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known such as are used to designate an individual, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" signs shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, used for a public purpose in the public interest. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever including billboards and statuary, placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of the Planning and Zoning Regulations.

SITE PLAN REVIEW: The portion of the development review process which deals with a qualitative and quantitative review and evaluation of the internal physical arrangements of and relationships between easements, uses, structures, vehicular use areas, and landscape elements.

SLAB ANCHORS: Anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

SLAUGHTERHOUSE: A facility for the slaughtering of animals; processing and refining of their byproducts; and prepared for distribution; activities may include packing, treating, storage or sale of the product on the premises.

SPECIAL FLOOD HAZARD AREAS (SFHA): The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA

includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

STABLE, PRIVATE: A stable which does not accept compensation.

STABLE, PUBLIC: A stable which accepts compensation.

STACKING SPACE: A space enclosed by imaginary lines utilized as a waiting space by driver-occupied vehicles relating to drive-in or drive-thru commercial operations. Stacking spaces do not include the space or spaces utilized for rendering service to the vehicle's occupants or for required off-street parking.

STORE, DRUG: A pharmacy or commercial establishment for retail sales and onsite dispensing of prescription drugs.

STORE, PERSONAL SERVICE: A commercial establishment which provides personal services directly to the consumer, such as a barber shop, beauty shop or dry cleaners, and which does not have as its primary function the sale of retail goods.

STORE, RETAIL: A commercial establishment which sells goods or products directly to the general public for compensation.

STORE, WHOLESALE: An establishment which, usually as an intermediate distributor, sells goods or products in bulk quantity to retail and personal service stores or other commercial establishments and does not deal directly with the ultimate consumer.

STONE MASON: Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in selling partly finished monuments and tombstones.

STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

STREET: Any thoroughfare which affords the principal means of access to abutting property.

STREET CENTERLINE: For the purposes of bulk and area calculations, the center line of the street is defined as the centerline of the planned right-of-way.

STREET, INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

STREET INTERSECTION: The point at which any street joins another street at an angle, whether or not it crosses the other

STREET, PRIVATE: Any street existing at the original adoption of the Planning and Zoning Regulations, which has not been dedicated for public use and not accepted for ownership or maintenance by the Cave Springs City Council. After adoption of these regulations, no new private streets may be created or approved, unless they are on property under single ownership, or are controlled by a property owners' association that has the obligation for complete control and maintenance.

STREET, PUBLIC: Any street designed to serve more than one property owner which is dedicated to the public use and accepted for ownership and maintenance by the Cave Springs City Council.

STRUCTURE: Anything constructed, installed, or portable, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires a more or less permanent location on a parcel of land, or which is attached to something having a permanent location on a parcel of land. It includes a movable structure, while it is located on land, which can be used for residential, business, office, or industrial purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs, unless specifically excluded elsewhere within the Planning and Zoning Regulations.

STRUCTURE, AGRICULTURAL: A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial changes in the roof or in the exterior walls.

SUBDIVISION: A tract of land that has been subdivided or is proposed to be subdivided pursuant to the Cave Springs Subdivision Regulations.

SUBDIVISION REGULATIONS: The Subdivision Regulations of Creek County.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred.
- C. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration affects the external dimensions of the structure. However, Substantial Improvement does not include:
 - 1. Any project for improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which is required to improve safety or living conditions; or
 - 2. Any alteration of a structure listed on the National Register of Historic Places or the State of Arkansas Inventory of Historic Places.

SUMMER KITCHEN: An outdoor cooking facility not intended or used as the primary cooking facility or kitchen that may consist of, but not limited to, an under counter refrigerator, grill, burner(s), rotisserie, smoker or sink.

TANNING STUDIO: Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment

TAXIDERMY: The art and sales of preparing the skins of animals to make them appear lifelike.

TEMPORARY PORTABLE STORAGE STRUCTURE: Any container designed for the temporary storage of equipment, furniture, clothing, merchandise or other personal or business belongings/property, which is typically rented to owners or occupants of property. Such container would be for their temporary use as part of the process of moving, relocating, building construction or renovation, or commercial use. Such container may typically be delivered and removed by truck as part of an intent to store items off-site at a commercial storage location.

TEMPORARY USES: Land uses that are not permanent in nature and often include, but are not limited to the following: carnivals, circus, tent revivals, real estate sales offices, construction facilities, Christmas tree and fireworks stands.

TERMINAL, TRUCK: Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring loading, and unloading goods.

TENT: Any structure or enclosure, the roof or one-half (1/2) or more of the sides, or both, of which are of silk, cotton, canvas, or a light material.

TOBACCO SPECIALTY STORE: A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

TOP OF BANK: the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

TOWER OR COMMUNICATION TOWER: Any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one or more antennas.

TRANSMISSION STATION: A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio communication installations. Uses shall include but not be limited to radio transmitting stations or towers and television exchange station relay towers.

USE: Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

USE AREA: A zone established for a certain type of use such as commercial or residential.

UTILITY FACILITY: A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities: corporation and maintenance yards, electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, reservoirs, settling ponds and disposal fields.

VARIANCE: A device, granted by the Board of Zoning Adjustment, that grants a variation from the literal provisions of the Planning and Zoning Regulations in instances where strict enforcement of the Planning and Zoning Regulations would cause undue hardship due to circumstances unique to the individual property under consideration.

VEHICLE: A conveyance for persons or materials as may be licensed by the state.

VEHICULAR USE AREA: All areas used for the circulation, parking or display of any and all types of vehicles, boats or heavy construction equipment, whether self-propelled or not, including those of a drive-in and drive-thru nature.

VENDING MACHINE: Any unattended self-service device that, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including food, beverage, goods, wares, merchandise, or services.

VETERINARY CLINIC: see ANIMAL HOSPITAL

WALK-UP BUSINESS: An establishment which sells at retail certain food readily prepared for immediate consumption without facilities and services customarily incidental to a restaurant operation, including but not limited to waiter service. "Walk-up business" also means and includes other forms of retail business which are conducted with the customers being situated outside the structure in which the business is located, such as but not limited to exterior automatic tellers or exterior walk-up teller (banking) windows and the like; flower stands; hot dog, sandwich, or similar food stands or windows; and ice cream or frozen dessert facilities.

WAREHOUSE or WHOLESALING: A use engaged in indoor storage of manufactured products, supplies and equipment characterized by frequent heavy trucking activities or nuisances such as dust, noise and odors, but not involved in manufacturing or production. This definition does not include the "bulk storage of highly flammable materials", which has its own definition.

WATERCOURSE: A body of running water fed from permanent or periodical natural sources and usually flowing in a particular direction in a defined channel, having a bed and banks or sides, usually discharging itself into another other body of water.

WATERCOURSE, ALTERATION: Any change that occurs within a watercourse. Alterations are often made to the channels of rivers, stream, or drainageways, usually to improve drainage, relocate the channel, or to increase its flood carrying capacity. There are two requirements for maintaining the flood carrying capacity of an altered watercourse. The altered or relocated watercourse must have the same or greater capacity as the original watercourse. Additionally, once the alteration is made, the capacity of the altered or relocated watercourse must be maintained over time. If a development permit application proposes a stream alteration, the applicant must notify the adjacent communities, the State Coordinating Agency for the National Flood Insurance Program (NFIP), and provide a copy to the FEMA Regional Office. If an adverse impact is suspected, the neighboring community will be able to voice its concerns prior to any modification. Federal and State permits are required for any alteration or relocation. The submittal and approval of a Conditional Letter of Map Revision (CLOMR) is required pursuant to 44 CFR 65.12. This assures that FEMA will recognize the project for a map change when construction is completed.

WELDING or MACHINE SHOP: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding and sheet metal shops.

WELL, WATER: Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption

WIND ENERGY SYSTEM, SMALL: A wind energy conversion system used primarily to generate power for on-site consumption, 100 kW or less, consisting of a wind turbine, tower, base and associated control or conversion electronics.

WIND ENERGY SYSTEM, LARGE: A wind energy conversion system used primarily to generate power for off-site consumption, more than 100kW, consisting of one or more wind turbines and associated accessory facilities.

WIND TURBINE: The parts of the wind energy system including the blades, generator and tail.

WINDOW, BAY: A window which projects outside the main line of a building which does not extend below minimum finish floor elevation, and may be carried on brackets or corbels.

XERISCAPE: A technique of landscaping utilizing native plants, trees, turfs and ground cover that generally results in long-term reduction in irrigation requirements, water use, costs, energy and landscaping maintenance while producing a creative and aesthetically pleasing landscape.

YARD: An open area between a building, structure or use and an adjoining lot line which shall be unoccupied and unobstructed by any building, structure or use from the ground up except as may be otherwise provided for in these regulations.

YARD, FRONT: A required yard extending across the full width of the lot or parcel and measured from the front line of the lot or parcel.

YARD, REAR: A required yard extending across the full width of the lot or parcel and measured from the rear line of the lot or parcel.

YARD, SETBACK: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building.

YARD, SIDE (CORNER): A required side yard which abuts a street.

YARD, SIDE (INTERIOR): A required yard extending across the full depth of the lot or parcel from a side lot line which abuts an adjacent lot or parcel.

ZONING DISTRICT: An area within the City of Cave Springs designated by a single zoning classification with uniform development regulations throughout.

ZONING DISTRICT BOUNDARY: That boundary line which separates unlike zoning districts.

ZOO: An area, building, or structures which contain exotic and wild animals on exhibition for viewing by the public.

ARTICLE 5

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

{ The previously adopted ~~SECTION 5.1 ZONING DISTRICTS ESTABLISHED~~ shall be completely deleted and replaced with the following amended: }

SECTION 5.1

ZONING DISTRICTS ESTABLISHED

5.1.1 For the purpose of these regulations, the following zoning districts are hereby established for the City of Cave Springs

Agricultural Districts

- A-1 General Agricultural ≥ 5 acres
- A-2 Suburban Agricultural > 2 acres

Residential Districts

- R-E Estate Single-Family Residential ≥ acres
- R-1 Single-Family Residential ≥ 1 acre
- R-2 Single-Family Residential ≥ 0.6 acre (26,136 ft²)
- R-3 Single-Family Residential ≥ 9,600 ft²
- R-MH Single-Family Manufactured Home Residential ≥ 1 acre
- RM-12 Low-Rise Multi-Family Residential - 12 units per acre

Commercial Districts

- C-1 Downtown Commercial and Office
- C-2 General and Highway Commercial

C-3 Neighborhood Commercial

Industrial Districts

I-1 Light Industrial

I-2 Heavy Industrial

ARTICLE 6
ZONING DISTRICT REGULATIONS

{ The previously adopted Article 6 shall be completely renumbered and previously adopted Sections 6.1 thru Section 6.1.2.4.2 shall be completely deleted and replaced with the following amended: }

SECTION 6.1
A-1 GENERAL AGRICULTURAL DISTRICT

6.1.1 PURPOSE AND INTENT

The purpose and intent of the A-1 General Agricultural zoning district is to provide suitable sites for Agricultural uses, low-density single family residential dwellings and conservation reserves for flood and environmental areas on a minimum of five (5) acre lots.

6.1.2 USES PERMITTED

Property and structures within the A-1 General Agricultural zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Agricultural
- b. Accessory Uses, Residential
- c. Animal Hospital
- d. Animal Shelter or Kennel
- e. Catering Service
- f. Child Care, Residential (4)
- g. Child Care, Residential (5-10)
- h. Community Garden
- i. Crop Production
- j. Dwelling, Modular – Single Family
- k. Dwelling, Single Family
- l. Equestrian Facilities
- m. Farm
- n. Farm, Poultry
- o. Garden Center
- p. Government Services
- q. Grazing
- r. Greenhouse
- s. Home Occupation
- t. Livestock Market

- u. Plant Nursery
- v. Public Parks and Playgrounds
- w. Stable, Private
- x. Stable, Public
- y. Wind Energy System, Small

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.1.3 USES PERMITTED CONDITIONALLY

Property and structures within the A-1 General Agricultural zoning district shall only be permitted for the following conditional uses:

- a. Agriculture-Related Business
- b. Antenna
- c. Antenna Support Structure
- d. Art Gallery
- e. Artisan Shop
- f. Automated Teller Machine (ATM)
- g. Bait and Tackle Shop
- h. Boarding House
- i. Camp, Day or Youth
- j. Campground, Primitive
- k. Carnival, Circus and Tent Revival (Temporary Uses)
- l. Cemetery
- m. Commercial Recreation or Entertainment Facility, Indoor
- n. Commercial Recreation or Entertainment Facility, Outdoor
- o. Community Center
- p. Country Club, Private Membership
- q. Craft Shop
- r. Critical Facilities
- s. Detention Facility
- t. Dwelling, Accessory
- u. Dwelling, Manufactured - Emergency Housing
- v. Dwelling, Religious
- w. Educational Facilities
- x. Fairgrounds
- y. Florist Shop
- z. Golf Course
- aa. Guyed Tower
- bb. Lodging, Bed and Breakfast
- cc. Maintenance Services
- dd. Mining
- ee. Mobile Food Vehicle
- ff. Monopole Tower
- gg. Movie Theater, Drive-In
- hh. Place of Public Assembly
- ii. Place of Worship
- jj. Public Safety Services

- kk. Residential Facility, Temporary Shelter
- ll. Sewage Treatment Plant
- mm. Slaughterhouse
- nn. Shooting Range
- oo. Stone Mason
- pp. Taxidermy
- qq. Temporary Uses
- rr. Transmission Station
- ss. Utility Facility
- tt. Vending Machine
- uu. Welding or Machine Shop
- vv. Well, Water
- ww. Wind Energy System, Large
- xx. Zoo

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.1.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: five (5) acres (217,800ft²).
- (B) Minimum lot width: two-hundred and forty (240) linear feet.
- (C) Minimum lot depth: four-hundred (400) linear feet.
- (D) Minimum yard setbacks for residential dwellings:

<u>Yard</u>	<u>Setback (feet)</u>
Front	35'
Rear	25'
Side (interior)	15'
Side (corner)	35'
Waterfront	25'

- (E) Minimum yard setbacks for any agricultural structure:

<u>Yard</u>	<u>Setback (feet)</u>
All	100'

- (F) Maximum building height: Forty-five (45) feet from the lowest finished floor elevation (FFE).
- (G) Maximum lot coverage: Thirty-five (35%) percent.
- (H) Lighting: All agricultural and commercial related lighting shall be oriented so as to prevent any direct glare or nuisance of any kind on or to adjacent properties or public rights-of-way.
- (I) Accessory uses: See Article 8 | Accessory Uses.
- (J) General Standards: See Article 10 | General Standards.

SECTION 6.2

A-2 SUBURBAN AGRICULTURAL DISTRICT

6.2.1 PURPOSE AND INTENT

The purpose and intent of the A-2 General Agricultural zoning district is to provide suitable sites for limited Agricultural uses, low-density single family residential dwellings and conservation reserves for flood and environmental areas on lots greater than two (2) acres. This zoning district acts as a transition between agricultural uses situated on the fringe of suburban and urban residential, mixed-use, commercial and industrial zoning districts.

6.2.2 USES PERMITTED

Property and structures within the A-2 General Agricultural zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Agricultural
- b. Accessory Uses, Residential
- c. Catering Service
- d. Child Care, Residential (4)
- e. Child Care, Residential (5-10)
- f. Community Garden
- g. Crop Production
- h. Dwelling, Single Family
- i. Dwelling, Modular – Single Family
- j. Farm
- k. Garden Center
- l. Government Services
- m. Grazing
- n. Greenhouse
- o. Home Occupation
- p. Plant Nursery
- q. Public Parks and Playgrounds
- r. Stable, Private
- s. Stable, Public
- t. Wind Energy System, Small

* See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.2.3 USES PERMITTED CONDITIONALLY

Property and structures within the A-2 General Agricultural zoning district shall only be permitted for the following conditional uses:

- a. Agriculture-Related Business
- b. Animal Hospital
- c. Animal Shelter or Kennel
- d. Antenna
- e. Antenna Support Structure
- f. Art Gallery
- g. Artisan Shop
- h. Automated Teller Machine (ATM)

- i. Bait and Tackle Shop
- j. Boarding House
- k. Camp, day or youth
- l. Campground, primitive
- m. Carnival, Circus and Tent Revival (Temporary Uses)
- n. Cemetery
- o. Commercial Recreation or Entertainment Facility, Indoor
- p. Commercial Recreation or Entertainment Facility, Outdoor
- q. Community Center
- r. Craft Shop
- s. Critical Facilities
- t. Dwelling, Accessory
- u. Dwelling, Manufactured - Emergency Housing
- v. Dwelling, Religious
- w. Educational Facilities
- x. Equestrian Facilities
- y. Florist Shop
- z. Guyed Tower
- aa. Lodging, Bed and Breakfast
- bb. Mobile Food Vehicle
- cc. Monopole Tower
- dd. Place of Public Assembly
- ee. Place of Worship
- ff. Public Safety Services
- gg. Residential facility, Temporary Shelter
- hh. Shooting Range
- ii. Stone Mason
- jj. Taxidermy
- kk. Temporary Uses
- ll. Transmission Station
- mm. Utility Facility
- nn. Vending Machine
- oo. Welding or Machine Shop
- pp. Well, Water

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.2.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: greater than two (2) acres (87,120ft²).
- (B) Minimum lot width: two-hundred (200) linear feet.
- (C) Minimum lot depth: two-hundred (200) linear feet.
- (D) Minimum yard setbacks for residential dwellings:

<u>Yard</u>	<u>Setback (feet)</u>
<u>Front</u>	<u>35'</u>
<u>Rear</u>	<u>25'</u>
<u>Side (interior)</u>	<u>15'</u>
<u>Side (corner)</u>	<u>35'</u>
<u>Waterfront</u>	<u>25'</u>

(E) Minimum yard setbacks for any agricultural structure:

<u>Yard</u>	<u>Setback (feet)</u>
All	100'

(F) Maximum building height: Forty-five (45) feet from the lowest finished floor elevation (FFE).

(G) Maximum lot coverage: Thirty-five (35%) percent.

(H) Lighting: All agricultural and commercial related lighting shall be oriented so as to prevent any direct glare or nuisance of any kind on or to adjacent properties or public rights-of-way.

(I) Accessory Uses: See Article 8 | Accessory Uses.

(J) General Standards: See Article 10 | General Standards.

SECTION 6.4.3

R-E ESTATE SINGLE-FAMILY DISTRICT-RESIDENTIAL

6.3.1 PURPOSE AND INTENT

The purpose of this district is to accommodate single-family residential developments on low-density, large-estate-type minimum of two (2) acre lots. This zone is intended to help establish and preserve rural residential/estate character in certain areas of the city.

~~6.1.3.1 PERMITTED USES – See Section SCHEDULE OF USES.~~

6.3.2 USES PERMITTED

Property and structures within the R-E Estate Single-Family Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Community Garden
- d. Dwelling, Single Family
- e. Home Occupation
- f. Public Parks and Playgrounds
- g. Stable, Private
- h. Wind Energy System, Small

In addition, the following uses and their accessory uses are permitted on each lot within the R-E Estate Single-Family Residential zoning district:

- i. Farming, including all types of agriculture and horticulture such as flower, fruit, and vegetable gardening, field crops, vineyards and orchards, may be permitted in conjunction with a residential dwelling if such farming is for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.

- j. Small livestock farming involving the keeping of no more than one head per acre of cows, horses, sheep, goats, pigs, ostriches, emus or similar animals, provided they are properly fenced in or otherwise confined, may be permitted in conjunction with a residential dwelling if such small livestock farming is for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.
- k. Stables, barnyards and corrals may be permitted in conjunction with a residential dwelling if such stables, barnyards and corrals are for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.
- l. Arboretum, fish and game management facilities, forest products (growing and harvesting), ~~municipal facilities/utilities, parkways,~~ and open water reservoirs (farm pond) may be permitted in conjunction with a residential dwelling if such is for the use of the family residing on the lot or parcel as an incidental use the lot and NOT for commercial purposes.

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

~~6.1.3.1.1 One single family dwelling provided such dwelling shall be on its own lot or parcel of land including all required setbacks.~~

~~6.1.3.1.2 Accessory uses, building, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use, and when located thirty (30) feet or more from the right of way of any public street, road, or highway.~~

6.3.3 USES PERMITTED CONDITIONALLY

Property and structures within the R-E Estate Single-Family Residential zoning district shall only be permitted for the following conditional uses:

- a. Accessory Uses, Agricultural
- b. Antenna
- c. Antenna Support Structure
- d. Carnival, Circus and Tent Revival (Temporary Uses)
- e. Catering Service
- f. Cemetery
- g. Community Center
- h. Dwelling, Accessory
- i. Dwelling, Manufactured - Emergency Housing
- j. Dwelling, Modular – Single Family
- k. Dwelling, Religious
- l. Government Services
- m. Guyed Tower
- n. Lodging, Bed and Breakfast
- o. Monopole Tower
- p. Place of Public Assembly
- q. Place of Worship
- r. Public Safety Services
- s. Residential Facility, Temporary Shelter
- t. Temporary Uses
- u. Transmission Station

v. Utility Facility

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.3.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: two (2) acres (87,120ft²).
- (B) Minimum lot width: two-hundred (200) linear feet.
- (C) Minimum lot depth: two-hundred (200) linear feet.
- (D) Minimum yard setbacks for residential dwellings:

Yard	Setback (feet)
Front	35'
Rear	25'
Side (interior)	15'
Side (corner)	35'
Waterfront	25'

- (E) Minimum yard setbacks for any agricultural structure:

Yard	Setback (feet)
All	100'

- (F) Maximum building height: thirty-five (35) feet from the lowest finished floor elevation (FFE).
- (G) Maximum lot coverage: Thirty-five (35%) percent.
- (H) Minimum pervious lot area: forty (40%) percent
- (I) Lighting: All agricultural related lighting shall be oriented so as to prevent any direct glare or nuisance of any kind on or to adjacent properties or public rights-of-way.
- (J) Accessory Uses: See Article 8 | Accessory Uses.
- (K) General Standards: See Article 10 | General Standards.

**SECTION 6.4.4
R-1 SINGLE-FAMILY RESIDENTIAL**

6.4.1 PURPOSE AND INTENT

The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least one (1) acre. This zone is generally applied on the fringe of built-up areas of the city, and may act as a buffer to R-E zones.

6.4.2 USES PERMITTED

Property and structures within the R-1 Single-Family Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Dwelling, Single Family
- d. Home Occupation

- e. Public Parks and Playgrounds
- f. Wind Energy System, Small

6.4.3 USES PERMITTED CONDITIONALLY

Property and structures within the R-1 Single-Family Residential zoning district shall only be permitted for the following conditional uses:

- a. Catering Service
- b. Community Center
- c. Community Garden
- d. Dwelling, Accessory
- e. Dwelling, Manufactured - Emergency Housing
- f. Dwelling, Religious
- g. Government Services
- h. Place of Worship
- i. Public Safety Services
- j. Stable, Private
- k. Temporary Uses
- l. Utility Facility

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.4.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: one (1) acre (43,560 ft²).
- (B) Minimum lot width: one-hundred and twenty (120) linear feet.
- (C) Minimum lot depth: one-hundred and twenty (120) linear feet.
- (D) Minimum yard setbacks for residential dwellings:

<u>Yard</u>	<u>Setback (feet)</u>
Front	25'
Rear	25'
Side (interior)	7'
Side (corner)	25'
Waterfront	25'

- (E) Maximum building height: thirty-five (35) feet from the lowest finished floor elevation (FFE).
- (F) Maximum lot coverage: Thirty-five (35%) percent.
- (G) Minimum pervious lot area: forty (40%) percent
- (H) Accessory Uses: See Article 8 | Accessory Uses.
- (I) General Standards: See Article 10 | General Standards.

SECTION 6.4.5 R-2 SINGLE-FAMILY RESIDENTIAL

6.5.1 PURPOSE AND INTENT

The purpose of this district is intended to provide single-family residential uses on moderately sized, low-density lots of at least 0.6 acre (26,136 ft²). This is the smallest lot size that will be considered low density.

6.5.2 USES PERMITTED

Property and structures within the R-2 Single-Family Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Dwelling, Single Family
- d. Home Occupation
- e. Public Parks and Playgrounds
- f. Wind Energy System, Small

6.5.3 USES PERMITTED CONDITIONALLY

Property and structures within the R-2 Single-Family Residential zoning district shall only be permitted for the following conditional uses:

- a. Catering Service
- b. Community Center
- c. Community Garden
- d. Dwelling, Accessory
- e. Dwelling, Religious
- f. Government Services
- g. Place of Worship
- h. Public Safety Services
- i. Stable, Private
- j. Temporary Uses
- k. Utility Facility

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.5.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: 0.6 acre (26,136 ft²)
- (B) Minimum lot width: one-hundred (100) linear feet.
- (C) Minimum lot depth: one-hundred and twenty (120) linear feet.
- (D) Minimum yard setbacks for residential dwellings:

<u>Yard</u>	<u>Setback (feet)</u>
Front	25'
Rear	25'
Side (interior)	7'
Side (corner)	25'
Waterfront	25'

- (E) Maximum building height: thirty-five (35) feet from the lowest finished floor elevation (FFE).

- (F) Maximum lot coverage: Thirty-five (35%) percent.
- (G) Minimum pervious lot area: thirty (30%) percent.
- (H) Accessory Uses: See Article 8 | Accessory Uses.
- (I) General Standards: See Article 10 | General Standards.

SECTION 6.1.6

R-3 SINGLE-FAMILY RESIDENTIAL

6.6.1 PURPOSE AND INTENT

The purpose of ~~This~~ district is characterized by single-family residential development on medium-sized lots of at least 9,600 square feet, ~~with density not exceeding three units/net acre,~~ such as after dedications are made. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher- to lower-density residential and other types of development. It is the intent and desire of the city that R-3 zoned areas, which typically have smaller-sized lots, be served by municipal water and sanitary sewer service.

6.6.2 USES PERMITTED

Property and structures within the R-3 Single-Family Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Dwelling, Single Family
- d. Home Occupation
- e. Public Parks and Playgrounds
- f. Wind Energy System, Small

6.6.3 USES PERMITTED CONDITIONALLY

Property and structures within the R-3 Single-Family Residential zoning district shall only be permitted for the following conditional uses:

- a. Community Center
- b. Community Garden
- c. Dwelling, Accessory
- d. Dwelling, Religious
- e. Government Services
- f. Place of Worship
- g. Public Safety Services
- h. Stable, Private
- i. Temporary Uses
- j. Utility Facility

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.6.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: 9,600 ft²

- (B) Minimum lot width: eighty (80) linear feet.
 (C) Minimum lot depth: one-hundred and twenty (120) linear feet.
 (D) Minimum yard setbacks for residential dwellings:

Yard	Setback (feet)
Front	25'
Rear	25'
Side (interior)	7'
Side (corner)	25'
Waterfront	25'

- (E) Maximum building height: thirty-five (35) feet from the lowest finished floor elevation (FFE).
 (F) Maximum lot coverage: Thirty-five (35%) percent.
 (G) Minimum pervious lot area: thirty (30%) percent
 (H) Accessory Uses: See Article 8 | Accessory Uses.
 (I) General Standards: See Article 10 | General Standards.

SECTION 6.1.7 **R-MH Single-Family Manufactured Home Residential**

6.7.1 PURPOSE AND INTENT

The purpose of this district is to provide accommodate single-family manufactured homes on residential lots of at least one (1) acre. for replacement of manufactured homes on individually owned lots. Areas/Lots so classified-zoned must have all municipal services available. A maximum density in this district is one unit per acre.

6.7.2 USES PERMITTED

Property and structures within the R-MH Single-Family Manufactured Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Dwelling, Manufactured - Single Family
- d. Home Occupation
- e. Public Parks and Playgrounds
- f. Wind Energy System, Small

6.7.3 USES PERMITTED CONDITIONALLY

Property and structures within the R-MH Single-Family Residential zoning district shall only be permitted for the following conditional uses:

- a. Catering Service
- b. Community Center
- c. Community Garden
- d. Dwelling, Accessory
- e. Dwelling, Religious
- f. Government Services

- g. Place of Worship
- h. Public Safety Services
- i. Temporary Uses
- j. Utility Facility

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.7.4 SITE DEVELOPMENT STANDARDS

- (A) Minimum lot area: one (1) acre (43,560 ft²).
- (B) Minimum lot width: one-hundred (100) linear feet.
- (C) Minimum lot depth: one-hundred (100) linear feet.
- (D) Minimum yard setbacks for manufactured residential dwellings:

Yard	<u>Setback</u> (feet)
Front	25'
Rear	25'
Side (interior)	7'
Side (corner)	25'
Waterfront	25'

- (E) Maximum building height: thirty-five (35) feet from the lowest finished floor elevation (FFE).
- (F) Maximum lot coverage: thirty-five (35%) percent.
- (G) Minimum pervious lot area: forty (40%) percent.
- (H) Accessory Uses: See Article 8 | Accessory Uses.
- (I) General Standards: See Article 10 | General Standards.

SECTION 6.4.8

RM-12 Low-Rise Multi-Family Residential

6.8.1 PURPOSE AND INTENT

~~This district is to provide for multi-family development, and is characterized by traditional apartment-type units in attached living complexes. Congregate housing for the elderly is also anticipated in this zone. Areas so classified must have all municipal services available. The maximum density in this district is 12 dwelling units to the acre.~~

The purpose and intent of this zoning district is to provide suitable sites for the development of well planned, environmentally compatible medium density multi-family residential uses. The density shall not exceed twelve (12) units per net acre.

6.8.2 USES PERMITTED

Property and structures within the RM-12 Low-Rise Multi-Family Residential zoning district shall only be permitted for the following uses:

- a. Accessory Uses, Residential
- b. Child Care, Residential
- c. Community Center
- d. Dwelling, Condominium

- e. Dwelling, Multi-Family
- f. Dwelling, Townhouse or Row House
- g. Dwelling, Two-Family (Duplex)
- h. Home Occupation
- i. Public Parks and Playgrounds
- j. Wind Energy System, Small

6.8.3 USES PERMITTED CONDITIONALLY

Property and structures within the RM-12 Low-Rise Multi-Family Residential shall only be permitted for the following conditional uses:

- a. Café
- b. Community Garden
- c. Dwelling, Religious
- d. Government Services
- e. Public Safety Services
- f. Residential Facility, Assisted Living
- g. Sidewalk Café
- h. Temporary Uses
- i. Utility Facility
- j. Vending Machine

*See APPENDIX B - SCHEDULE OF USES for a detailed matrix of all uses and zoning districts

6.8.4 SITE DEVELOPMENT STANDARDS

- (A) Maximum density: twelve (12) dwelling units per net acre
- (B) Minimum lot area: 12,000 ft².
- (C) Minimum lot width: one-hundred (100) linear feet.
- (D) Minimum lot depth: one-hundred (100) linear feet.
- (E) Minimum yard setbacks for all dwellings:

Yard	Setback (feet)
Front	25'
Rear	25'
Side (interior):	
1 story	7'
2 or 3 stories	15'
Side (corner)	25'
Waterfront	25'

- (F) Maximum building height: forty-five (45) feet from the lowest finished floor elevation (FFE).
- (G) Maximum lot coverage: forty (40%) percent.
- (H) Minimum pervious lot area: thirty (30%) percent
- (I) Minimum floor area: Efficiency units shall not exceed fifteen (15%) percent of the total number of units within a building.

Unit Type	Square Feet
------------------	--------------------

Efficiency	700 ft ²
One-bedroom	800 ft ²
Two-bedroom	900 ft ²
Three-bedroom	1,100 ft ²

(J) Additional RM-12 Low-Rise Multi-Family Residential Regulations:

- 1) Driveways: All Accesses and Driveways must be paved with asphalt, concrete, brick pavers or commercial grade permeable pavers and be enclosed with a continuous concrete curb. No gravel, asphalt or paved parking strips are permitted.
- 2) Signs: pursuant to Ordinance No. 2013-19
- 3) Parking of Trucks: No commercial vehicles, boats, boat trailers, recreational vehicles or camping trailers of any kind shall be permitted to be parked for a period of more than four (4) hours or parked overnight, unless for permitted construction or repair of buildings located on the lot.
- 4) Walls: No boundary wall shall be constructed with a height of more than six (6) feet above the ground level of an adjoining property, and no boundary line hedge or shrubbery shall be permitted with a height of more than six (6) feet. A wall adjacent to a waterfront of solid construction or solid waterfront hedges shall not be permitted in excess of three (3) feet in height. Such walls or hedges, where partially open, will be permitted to a height of not more than six (6) feet. The heights of elevation of any wall shall be measured from the crown of the adjacent street. Any questions as to such heights may be conclusively determined by a registered civil engineer, registered land surveyor or an architect. Fences around tennis courts will be permitted to a height of ten (10) feet with permission of the abutting neighbors.
- 5) Dumpsters: All dumpsters shall be completely screened from view from the adjacent properties and the public right-of-way by the use of walls and landscaping material, subject to the approval and standards as established by these regulations and the Planning and Zoning Official.
- 6) Clothes Drying Area: No outside clothes drying area shall be allowed except in the rear yard and in the case of corner lots may not be placed within fifty (50) feet of the side street line. On waterfront lots the clothes drying area shall be on the side yard of the lot and shall be shielded from view through the use of a hedge or shrubbery.
- 7) Maintenance of Premises: All developments must be properly maintained and aesthetically appealing to the neighborhood as a whole.
- 8) Lawns and Landscaping: All landscaping in front of the lot shall extend to the pavement line.
- 9) Landscape Plan Required: Prior to the issuance of a building permit, a landscape plan shall be submitted to and approved by the Planning and Zoning Official. The landscape plan shall be drawn to a scale not less than 1" = 30'. All landscape plans must be signed and sealed by a Registered Landscape Architect. This plan shall clearly delineate existing and proposed buildings, parking, driveways, or other vehicular use areas. The plan shall also designate the name (botanical and common), size (height and spread), quantity, quality and location of the plant material to be installed, as well as the name, size, location, and condition of viable, existing vegetation. The use of Xeriscape techniques shall be an integral component of the landscape design and plan. No building permit shall be issued unless such landscape plan complies with the provisions with the Planning and Zoning Regulations.

- 10) Construction Bonds: A one-thousand and five-hundred dollar (\$1,500.00) cash bond will be required before a building permit issued to insure site clean-up and compliance with the required landscaping plans.
- 11) Utilities: All new construction shall be required to have all utility service underground.

SECTION 6.2.9

USES PERMITTED SUPPLEMENTAL RESIDENTIAL REGULATIONS

~~6.2 — Uses permitted in the residential districts are set forth in the appendix "B" table which is located at the back of this document.~~

~~6.2.1 — Where the letter "X" appears opposite a listed use and underneath a residential district, the use is permitted in that district "by right" subject to:~~

~~6.2.1.1 — Providing off-street parking and loading facilities as required.~~

~~6.2.1.2 — Providing landscaping and screening as provided herein and by Cave Springs Ordinances and Regulations.~~

~~6.2.1.3 — Conformance with special conditions applying to certain uses as set forth in this Zoning Document.~~

(A) In addition to the ~~Only~~ one (1) principal structure permitted per lot ~~shall be permitted in the R-E, R-1, R-2, and R-3 Single-Family Residential zoning districts. In addition to the accessory uses provided for herein, an accessory structure may be permitted for sheltering a riding horse in the R-E zoning district and by conditional use in the R-1, R-2 and R-3 zoning districts on a residentially zoned lot or parcel with a minimum area of two (2) acres, provided:~~

- 1) The structure is at least 100 feet from adjacent property lines;
- 2) No more than two (2) horses (per acre) are kept and sheltered on the property; and
- 3) The stall area does not exceed 450 square feet. In "A" districts, only one principal (dwelling) structure per lot shall be permitted.

~~6.2.3 — Where the letter "C" appears instead of "X," the use is permitted subject to acquiring a conditional use permit as set forth herein. Where neither "C" nor "X" appears, and "blank space" appears in the table, the USE IS NOT PERMITTED.~~

(B) All concentrated feedlot operations for livestock in R-1, R-2, and R-3 shall be subject to conditional use approval.

~~SCHEDULE OF USES TABLE (pages 1 thru 5) IS LOCATED AT THE BACK OF THIS ZONING DOCUMENT AS APENDIX "B"~~

~~6.3 — ACCESSORY USES:~~

~~6.3.1 — Lot, yard, and height regulations: Except as otherwise provided herein, no lot~~

~~or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table, nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.~~

~~SEE APENDIX "C" AT THE BACK OF DOCUMENT~~

~~6.3.2 Maximum lot coverage (all buildings) shall not exceed 35% in A, R-E, R-1, and R-2 zones; and 40% in all other residential zones.~~

- (C) When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least 75% of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
- (D) Utility facilities, using land or an unoccupied building requiring less than 1,000 square feet of site area, are exempt from minimum lot size requirements of all districts.
- (E) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.
- (F) Certain The following architectural features may project into required yards as follows:
 - 1) Cornices, canopies, eaves, or other architectural features, may project a distance not to exceed thirty (30) inches.
 - 2) Fire escapes may project a distance not exceeding four-and-one-half (4.5) feet from the exterior wall of the building.
 - 3) An uncovered stair and necessary landings may project a distance not to exceed three (3) feet, provided such stair and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three (3) feet in height.
 - 4) Bay windows, balconies, and chimneys may project a distance not exceeding thirty (30) inches, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (G) When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback

requirements

~~Setback averaging: Cave Springs DOES NOT recognize setback averaging.~~

- (H) When adjacent to R-E, R-1, R-2, R-3, R-MH or RM-12 districts, multi-family residential and nonresidential structures over one story or 15 feet in height shall have an additional eight (8) foot side and rear setback for every additional story or 15 feet in building height.

~~6.3.10 Single family attached uses shall be exempt from interior side setback requirements, provided that end units within a single family attached development shall comply with applicable side setback requirements. Such uses may also be exempted from lot width requirements.~~

- (I) Maximum height limitation is 35 feet in all residential zones with the exception of the A and R-M districts, where the limitation is 45 feet. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flagpoles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval.

~~6.3.12 Minimal size dimension of all residential improvements shall be no less than 18 feet.~~

APPENDIX B SCHEDULE OF USES

[See Exhibit "A" attached hereto for the Amended APPENDIX B SCHEDULE OF USES]

SECTION 1. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 2. That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 3. Declaration of Emergency. It is hereby found and determined that the amended Planning and Zoning Regulations of the Cave Springs Municipal Code should be immediately adopted in the best interest of the citizens of Cave Springs. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED AND APPROVED this 9th day of August, 2016:

APPROVED:

Travis Lee, Mayor

ATTEST:

Kimberly Hutcheson, City Recorder | Treasurer